

**Assignee** : Ryukakusan Co. Ltd.  
**Reissue of Patent** : 6,277,395

## **REMARKS**

This application is an application for broadening reissue for U.S. Patent No. 6,277,395, filed within two years of the grant of the original patent.

The specification has been amended to clarify the translation of the term “jelly strength.” The word “jelly” has been replaced with the word “gel” to conform to idiomatic English. The Applicant submits that the meaning of the term “jelly” was apparent in the original application, as evidenced by the absence of any objection to that term during prosecution. However, the term “gel” is more commonly used in the United States. Thus, no new matter is introduced by this change.

### **Status of Claims**

Issued Claims 1-14 were issued in the parent patent, U.S. Patent No. 6,277,395, and remain pending in the present reissue application. By way of the foregoing preliminary amendment, the Applicant has amended Claims 6 and 13 and added new broadening claims 15-24. Accordingly, Claims 1 - 24 are now pending in the present reissue application.

### **Support for the Amended Claims Under 37 C.F.R. §1.173(c)**

The Applicant has amended Claims 6 and 13 and added Claims 15-24. Claims 15-24 recite subject matter previously disclosed but not claimed resulting in a broadening of the scope of these claims with respect to the originally issued claims. The Applicant therefore submits that no new matter is introduced by these broadened claims.

### **Support for Claims 6 and 13**

Claims 6 and 13 have been amended to replace the word “jelly” in the phrase “jelly strength” with the word “gel.” This change has been made for purposes of clarity and does not constitute new matter or a broadening of the claims.

### **Support for Claims 15 and 17**

In particular, Claim 15 is similar to issued Claim 11 while Claim 20 is similar to issued Claim 13; however, the phrases “swallowing-assistive material in prepared form,” “combining the swallowing assistive material with a medicine,” and “swallowing the combination

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immediately after the combining step” have been added to both Claims 15 and 17. In accordance with 37 C.F.R. §1.173(c), Applicants respectfully submit that support for these phrases can be found in Column 4, lines 15-42 in the specification of the issued patent. The Applicant therefore submits that no new matter is introduced by both Claims 15 and 17.

**Support for Claims 16 and 18**

Claims 16 and 18 are similar to issued Claims 4, 9, 12 and 14 and depend from newly added Claims 15 and 17. As the limitations of Claims 16 and 18 are similar to the limitations of issued Claims 4, 9, 12 and 14, Applicant submits that support for Claims 16 and 18 can be found in originally issued Claims 4, 9, 12 and 14. The Applicant therefore submits that no new matter is introduced by new Claims 16 and 18.

**Support for Claims 19 and 20**

In particular, Claim 19 is similar to issued Claim 11 while Claim 20 is similar to issued Claim 13; however, the phrases “swallowing-assistive material in prepared form,” “combining the swallowing assistive material with the solid material,” and “swallowing the combination immediately after the combining step” have been added to both Claims 19 and 20. In accordance with 37 C.F.R. §1.173(c), Applicants respectfully submit that support for these phrases can be found in Column 4, lines 15-42 in the specification of the issued patent. The Applicant therefore submits that no new matter is introduced by both Claims 19 and 20.

**Support for Claims 21 and 22**

Claim 21 is similar to issued Claims 1 and 2; however, Claim 21 has the additional phrase “wherein said swallowing-assistive material is in a prepared form uncombined with a medicine.” In accordance with 37 C.F.R. §1.173(c), Applicants respectfully submit that support for this additional phrase can be found in Column 4, lines 15-22 in the specification of the issued patent. In addition, support for the remaining portions of the claim can be found in issued claims 1 and 2. The Applicant therefore submits that no new matter is introduced by new Claim 21.

Claim 22 is similar to issued Claim 3 and depends from newly added Claim 21. As the limitations of Claim 22 are similar to the limitations of Claim 3, Applicant submits that support

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for Claim 22 can be found in originally issued Claim 3. The Applicant therefore submits that no new matter is introduced by new Claim 22.

**Support for Claims 23 and 24**

Claim 23 is similar to issued Claims 6 and 7; however, Claim 23 has the additional phrase “wherein said swallowing-assistive material is in a prepared form uncombined with a medicine.” In accordance with 37 C.F.R. §1.173(c), Applicants respectfully submit that support for this additional phrase can be found in Column 4, lines 15-22 in the specification of the issued patent. In addition, support for the remaining portions of the claim can be found in issued claims 6 and 8. The Applicant therefore submits that no new matter is introduced by new Claim 23.

Claim 24 is similar to issued Claim 8 and depends from newly added Claim 23. As the limitations of Claim 24 are identical to the limitations of Claim 8, Applicant submits that support for Claim 24 can be found in originally issued Claim 8. The Applicant therefore submits that no new matter is introduced by new Claim 24.

**Reissue Oath or Declaration**

Reissue oaths or declarations setting forth statements required by 37 C.F.R. §1.173(c) are included with the submission of this application.

**Consent of the Assignee**

Consent of the Assignee is included along with the submission of this application.

**Offer to Surrender**

An offer to surrender is submitted herewith.

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**Conclusion**

Based on the foregoing, the Applicant submits that the present reissue application is in condition for examination on the merits. If any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issues promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8-18-03

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